

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MONICA WELLINGTON,

Plaintiff,

vs.

Civ. No. 13-117 KG/RHS

JP MORGAN CHASE BANK, and  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.,

Defendants.

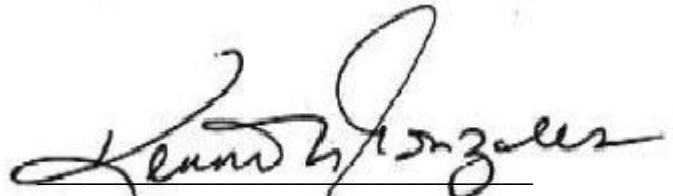
ORDER

On March 5, 2013, Defendants JP Morgan Chase Bank and Mortgage Electronic Registration Systems, Inc. (Defendants) filed Defendants' Motion to Dismiss Complaint Under Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Doc. 6) (Motion to Dismiss) and filed Defendants' Memorandum of Law in Support of Motion to Dismiss Complaint Under Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Doc. 7). On March 22, 2013, Plaintiff Monica Wellington filed Plaintiff's Response to Motion to Dismiss (Doc. 16) (Response). In her Response, Plaintiff Wellington states that "[a]ccompanying this response is plaintiff's First Amended Complaint. In view of the amended complaint, the [Motion to Dismiss] should be deemed moot." The same day, Plaintiff Wellington filed a First Amended Complaint for Declaratory Relief and Damages (Doc. 17). Defendants did not file a reply to Plaintiff Wellington's Response.

On April 8, 2013, Defendants filed Defendants' Motion to Dismiss Plaintiff's First Amended Complaint Under 12(b)(6) (Doc. 19) (Motion to Dismiss Plaintiff's First Amended Complaint) and filed Defendants' Memorandum of Law in Support of Motion to Dismiss Plaintiff's First Amended Complaint Under 12(b)(6) (Doc. 20). The Court interprets Defendants'

decision not to file a reply to Plaintiff Wellington's Response and Defendants' decision to instead file the Motion to Dismiss Plaintiff's First Amended Complaint to mean that Defendants agree with Plaintiff Wellington that the Motion to Dismiss is moot. Consequently, the Court determines that it is appropriate to deny the Motion to Dismiss as moot.

IT IS ORDERED that Defendants JP Morgan Chase Bank and Mortgage Electronic Registration Systems, Inc.'s Defendants' Motion to Dismiss Complaint Under Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Doc. 6) is denied as moot.



UNITED STATES DISTRICT JUDGE